TONJA C. BURDEN, Plaintiff,	)	IN THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION
vs.	)	
CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY OF FLORIDA, L. RON HUBBARD and MARY SUE HUBBARD, Defendants.	)	CASE NO. 80-501-Civ-T-K

Fort Lauderdale, Florida

April 21, 1981

10:00 o'clock A.M.

APPEARANCES:

WALT LOGAN, ESQ.,
Appearing on behalf of the Plaintiff.

DIXON, LAWSON & BROWN, ESQS.,
by JOHN R. LAWSON, JR., ESQ.,
-and-
GREGORY J. ORCUTT, ESQ.,
Appearing on behalf of Defendants:
Church of Scientology of California and
Church of Scientology of Florida.

LAW OFFICES OF ALAN GOLDFARB,
by ALAN GOLDFARB, ESQ.,
Appearing on behalf of Defendants:
L. Ron Hubbard and Mary Sue Hubbard.

ALSO PRESENT:

EILEEN WEIGAND
DR. MORTON MORRIS

DEPOSITION

OF

DONALD GABRIEL BURDEN

208A

Tentative

I N D E X

Witness	Direct	Cross	Redirect	Recross
Donald Gabriel Burden	2 (Orcutt)	43 (Goldfarb)	X	X
	9 (Lawson)			

1 Deposition of DONALD GABRIEL BURDEN, a
2 witness of lawful age, taken by the Defendants, for the
3 purpose of discovery and for use as evidence in the
4 above-entitled matter, wherein TONJA C. BURDEN is the
5 Plaintiff, and CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH
6 OF SCIENTOLOGY OF FLORIDA, L. RON HUBBARD and MARY SUE
7 HUBBARD are the Defendants, pending in the United States
8 District Court, Middle District of Florida, Tampa Division,
9 pursuant to notice heretofore filed before ERIC A. BRAY,
10 a Registered Professional Reporter and Notary Public in
11 and for the State of Florida at Large, at the office of
12 Freeland, Chertok & Briefer, 216 Southeast Sixth Street,
13 Fort Lauderdale, County of Broward, State of Florida, on
14 the 21st day of April, 1981, commencing at 10:00 o'clock
15 A.M.
16 ----------
17 DONALD GABRIEL BURDEN
18 a witness of lawful age, being called as a witness by
19 the Defendants, having been first duly sworn, testified
20 on his oath as follows:
21 DIRECT EXAMINATION
22 BY MR. ORCUTT:
23 Q State your name for the record?
24 A Donald Gabriel Burden.
25 Q What is your address, Mr. Burden?

1 A 7708 N.W. 40th Court in Coral Springs,
2 Florida.
3 Q And who do you live with at that residence?
4 A My wife, two children, and my mother-in-
5 law.
6 Q I thought there was a different address
7 for your mother-in-law, or has that changed?
8 A My wife and I moved in with my sister-in-
9 law for a little while, because my mother-in-law had her
10 daughter there, and the whole family came down for the
11 Easter vacation, and we moved out and stayed there, so
12 they could move in the house there and stay, because they
13 had a whole houseful -- there wasn't quite room enough
14 for everybody.
15 We transferred over to my sister-in-law's.
16 Q How long do you plan on being there, for
17 a while?
18 A No, maybe another couple of weeks.
19 Q Then where will you go?
20 A Back to my mother-in-law.
21 Q Where do you work?
22 A I work for Jerrard and LaRouche, Inc.,
23 out of Coral Springs.
24 Their office is located on University
25 Drive in the American Bank Building.

Q And what do you do for them?

A Carpenter.

Q How long have you been working for them?

A I have worked for them now almost nine months.

Q Does your wife work?

A Yes, my wife just started working for Cypress Point, out of Coral Springs.

She is an accountant.

Q Certified, or just --

A Just a bookkeeper.

Q Well --

A -- bookkeeper and accountant.

She is the bookkeeper and accountant for the office, she is not a certified accountant, but is the head honcho.

Q Who did she work for prior to that?

A Prior to that, let's see, she had been off -- we had two children and was out of work then, but before that, she worked for Aacco Air Conditioning.

Q How long have you been in the Fort Lauderdale area?

A Eight years.

Q Do you plan on staying in this area?

A Probably.

1 The job is good, and if the work stays
2 heavy, I will stay.
3 Q Tell me a little about your background,
4 how old are you?
5 A I am 30 years old, and will be 31 on
6 July 5th of this year.
7 I have been married for five years, I
8 work hard, make my little bit of money, and make ends
9 meet.
10 Q What is your wife's first name?
11 A Cheri.
12 Q She is your only wife, first wife?
13 A First wife, only wife.
14 Q Tell me a little bit about the Burden
15 family, your brothers, sisters and parents?
16 A That would be rather difficult to do.
17 The only one I have seen in the past ten years is my
18 sister and my mother.
19 Q But just for the purposes of establishing
20 some --
21 A Well, when I went to college, I lived
22 with my brother, Arthur, and his wife and their two
23 children in Carson City, Nevada.
24 Plus, at that time, my brother, Paul,
25 was living up in Lake Tahoe, and my brother, Stanley,

1 was in Ohio.

2 And then he moved to Carson City, Nevada,

3 and my Mom moved to Carson City, Nevada, and the whole

4 family was living in Carson City for about two years.

5 And then everybody just went their

6 separate ways after that.

7 Q So how many brothers are there?

8 A Five boys and one girl.

9 Q You mentioned yourself, and Arthur, who

10 is Tonja's father?

11 A Yes. Paul.

12 Q Is he the policeman?

13 A Paul, he is a carpenter up in Portland,

14 I think.

15 Q Then the fourth brother --

16 A Stanley, he is an alcoholic.

17 Q And who is the fifth?

18 A Dusty, Leslie.

19 Q Leslie is the fifth?

20 A Yes.

21 Q I thought one of them was a policeman?

22 A No, that is my sister, and her husband is

23 a metropolitan police officer.

24 Q Is that in Las Vegas?

25 A Yes.

Q What is her name?

A Nancy.

Q Her husband's name?

A Guy.

Q How about your parents, are they alive?

A Just my mother.

My Dad is alive, but I have never met the man or seen him.

Q Is your mother remarried?

A She did, but than had an annulment.

Q Okay. So she, other than your father, was married one other time?

A Yes.

Q What is her name, your mother's name?

A Nelta.

Q She goes by the last name, Burden?

A Hamilton, I think.

Q Where does she live?

A In Kingman, Arizona.

Q Which of your brothers had you seen in the last ten years? I know you mentioned Arthur, was there one other one?

A In the last ten years, the only brother I have seen -- I take that back, Dusty, I saw Dusty eight years ago up in Pensacola.

1 Q Have you talked to any of your immediate
2 family in the last five years?
3 A My mother, my sister.
4 In fact, Friday night, I talked to my
5 brother Dusty, and wished him a happy birthday.
6 Q You talked to them --
7 A About once a month.
8 But only once have I talked to my Mom
9 and sister, maybe.
10 Q Would Tonja Burden perhaps be the only
11 member of your family that you have seen in the last
12 ten years?
13 A Just about.
14 Q Okay.
15 A And I really didn't see her that length
16 of time, either.
17 Q Have you talked to Arthur recently?
18 A No, I talked to him on the phone two
19 years ago.
20 Q The last time you talked to him, was it
21 in connection with Tonja and scientology?
22 A Yes.
23 Q You haven't talked to him since?
24 A No, I haven't.
25 MR. ORCUTT: John, why don't you take

1 over.

2 MR. LOGAN: I object to a panel-type

3 discovery.

4 The rules provide that a deposition to

5 be taken, is to be taken as testimony at trial, and the

6 rules preclude a panel-type discovery, a panel-examination

7 of witnesses.

8 MR. LAWSON: We are not going to have

9 any duplication of questioning.

10 As a matter of fact, we thought there

11 would be more background information, and now it appears

12 that maybe the contact is that on which I will interrogate.

13 BY MR. LAWSON:

14 Q When was it that you saw Tonja Burden?

15 A Datewise, I can't remember, but it has

16 been almost two years ago, it has been two years ago.

17 Q Where was she when you first saw her on

18 that occasion?

19 A The first time I saw her on that occasion

20 was at the Church of Scientology, the school of scientology

21 or --

22 Q In Clearwater?

23 A In Clearwater, yes.

24 Q And what was the occasion for you being

25 there?

1 A You see, two days or a day -- two days
2 before, my brother Arthur called me long distance, and
3 asked me if I would run up to Clearwater and pick Tonja
4 up, and have her stay with me a couple of days until he
5 gets enough money together to send her an airplane ticket
6 to get home.
7 Q Did he tell you what prompted him to
8 call you?
9 A No, he did not.
10 Q When was the last time you had seen
11 Tonja before that?
12 A When she was nine years old.
13 Q Where was that?
14 A In Carson City, Nevada.
15 Q And how old would she have been when you
16 saw her in Clearwater?
17 A She was seventeen.
18 Q When was the last time you had seen
19 Arthur before he called you and asked you to get her?
20 A The last time I saw her and Arthur was
21 in Las Vegas, Nevada, I think it was eleven years ago.
22 And all they were there for was a visit,
23 they were getting ready to go to California, to get on to
24 a boat for the Church of Scientology, and was going to
25 take a cruise or something.

1 That was the last I knew, ever heard of
2 anything to do with anything of that family.
3 Q Was she there on that occasion in Las Vegas,
4 when they were getting ready to go on the boat?
5 A The whole family was there at that time,
6 she was only nine years old.
7 Q What if anything did Arthur or his wife
8 tell you about scientology at that time?
9 A At that time, I don't remember because
10 it was eleven years ago, and at that time, they didn't
11 say too much about it, because they all, more or less,
12 just stopped by to see my sister and Mom, and just say,
13 "Goodbye," you know, because they had loaded up, they
14 were moving or leaving, whatever you call it.
15 Q You were located in Las Vegas at that
16 time?
17 A No, I was up from Kingman, Arizona, to
18 visit my sister, having a small reunion.
19 I think about that time, it was Thanks-
20 giving or something like that.
21 Q Was your visit up there occasioned by
22 Thanksgiving or by the fact that Arthur and Tonja and
23 her mother were going to be there, or a little bit of
24 all of that?
25 A A little bit of everything.

I think at that time, that my brother, Stanley, was there, and my brother, Arthur, and his wife and kids were there, and Paul was in Vegas at that time.

Paul was in Vegas, Stanley was there.

The only one that I know of that wasn't there was Dusty, and he was in Florida at that time.

Q He is the one with the drinking problem?

A No, that is Stanley.

Stanley is the one with the drinking problem, Dusty is the one that is just a year older than I am.

Q What if anything did you know about scientology at that time?

A Nothing. All I knew was it was some type of church, that more or less just educated people; it was an educational-type of schooling or church at that time.

Q Do I gather then that the conversation really didn't turn much during the course of that visit on scientology at all?

MR. LOGAN: Objection to the form of the question, it asks the witness to summarize what the attorney understands.

THE WITNESS: As far as I know, it wasn't, because most of the time, I wasn't even around

1 the adults or the older ones.

2 I was with Diane and my niece --

3 BY MR. LAWSON:

4 Q How old were you?

5 A Ten years ago, twenty years old.

6 Q So you really didn't hear much of

7 anything about scientology?

8 A No, because I wasn't interested in it

9 at the time.

10 Now, what my mother and brother or sister

11 and them, what they talked about, I really couldn't say

12 for sure.

13 Q Did Tonja and her family leave while you

14 were there, or did they leave after you left, or did they

15 all leave sort of at the same time?

16 A All about left the same time.

17 We had to go back to Kingman, Arizona,

18 and they were going one way, we were going another way.

19 Q What was the nature and extent of your

20 contact with Tonja and her family, after Las Vegas, and

21 before the phone call to go to Clearwater?

22 A None.

23 Q No letters?

24 A I think I had one letter just to say,

25 "Hi, how are you, how are you doing --"

1 Q Phone calls?

2 A None. I had made one, I made one phone

3 call to Arthur to wish him a happy birthday once, and

4 at that time, he was in Las Vegas working with another

5 gentleman on his own business, and from what I can

6 understand, was all that I could gather out of the

7 conversation.

8 Q All right. Let's go now to the phone

9 call from Arthur to you, to go up to Clearwater.

10 When I say, "up to Clearwater," I

11 gather you were in Fort Lauderdale?

12 A Yes, I was.

13 Q Did he tell you where you might find

14 Tonja?

15 A He gave me an address and told me that

16 there is a church, a big sign, there is a church there,

17 where it's at, and how to get there.

18 Q And were you to get her and bring her

19 to Fort Lauderdale, until he could get the money to get

20 an airplane ticket to her?

21 A I was asked to pick her up and to bring

22 her down to my place, to stay for a couple of days until

23 he could get enough money together to give her an airplane

24 ticket home, and I said, "It will be great, I haven't

25 seen her in ten years, it would be nice for her to come

down and visit for awhile."

Q Did he give you any instructions or information with regard to how to get in touch with her, other than an address, and a big sign for the church --

A That is it. I was given an address, I was to go there, and ask the people at the desk for her.

Q What did you do then?

A Well, I think that was on Wednesday, and I left Friday night, it was Saturday -- first thing Saturday morning, I left and drove up there.

I got there Saturday, late Saturday afternoon, and located a hotel room.

I figured that I would stay the night, and leave the next morning to come back.

Then I located the church, and located Tonja.

Q All right.

A You have to realize, it was two years ago, and I want to go as slowly -- with as much detail as possible.

Q After you got to the motel room, then you went to the church?

A Yes. Well, after I got to the motel room, I located the church, and then I tried to find a parking place, which wasn't easy.

Then I went in and asked the lady at the desk for Tonja Burden, and she said, "Sit down, it will be a couple of minutes, I will call her."

So I sat down and waited for awhile, and Tonja came down the elevator with a young man.

I said, "Hi," gave her a big hug, and she introduced me to the young man as her boyfriend at that time.

Q What was his name, do you recall?

A I don't know, I think it was Tim or something.

Q Something like Tim?

A Yes, Tim or Tom.

Q What did he look like, could you describe him?

A If I can remember, he was about five-ten to six foot.

He was slender, wasn't very heavy, about 160, 170.

He was a talkative person, asked all kinds of questions.

Other than that, I can't remember too much, anything about him.

Q All right. You met her, hugged her, she introduced you to him and said that he was her boyfriend.

What did you all do then?

A We sat down a few minutes and talked, and I said, "Are you ready to go?"

Q You were kind of in the lobby area?

A Yes, we talked for awhile about the family, how is everything and all that, because I really didn't know -- I haven't seen Arthur for such a long time, and I remarked on how she has grown since the last time I saw her.

I asked her if she was ready to leave, and right away, I think the gentleman said, "Ready to leave, where are you going?"

And then I turned and looked at her, and she said, "We are going out to dinner."

Then it was, as far as I can understand it, there was something going on that I knew nothing about at that time.

I just kept my mouth shut and let her do the talking, because the minute she opened her mouth and said something, that is when I knew that there was something that I didn't know anything about, that was going on.

Q Do you recall what she said other than that she was going to dinner?

A That is all. "We are going out to

1 dinner," and then, "We will be back later."

2 And that is when -- what is his face,

3 the young man was supposed to be going with us, and at

4 that time, I kind of shook my head like no, he is not.

5 I haven't seen my niece in ten years,

6 and I would like to take her to dinner and talk to her.

7 But then, she said a few things and they

8 stepped off and had some conversation, and she said,

9 "Wait here, I will be right back."

10 She went down the steps, around the corner

11 and down the stairs.

12 Q You were all in the lobby area?

13 A Yes, up where the elevators are.

14 Q And then did Tim go with her, or --

15 A He stayed there and sat next to me, and

16 started asking me all kinds of questions.

17 Q What were some of the questions that he

18 asked you?

19 A Well, like, "I hear you play professional

20 football with the Miami Dolphins."

21 I said, "No, I played a little professional

22 baseball, not football."

23 And then he said, "Are you just up here

24 for a visit?"

25 I said, "Well, I found out that my niece

1 was close by, and I thought I would like to see her.

2 "She is a part of my family, and I haven't

3 seen her in a long time."

4 Then he was starting to ask me, "How

5 long do you plan on staying, what do you plan on doing,"

6 and things like that.

7 I kind of, from that point, I buttoned

8 up my lip and didn't say any more.

9 MR. GOLDFARB: This is Dr. Morris, who

10 works with me, he is graduating from law school.

11 MR. LAWSON: Let me hear that last

12 question?

13 (Whereupon, the court reporter read back

14 the last question.)

15 BY MR. LAWSON:

16 Q Then what did he say or you say, or did

17 Tonja come back?

18 A Nothing. And at that time, I was

19 wondering what was going on. I got up and turned and

20 went down, around the corner and down stairs, or around

21 the corner and looked to see if I could see Tonja, and

22 she was down there talking to a young lady, and another

23 man, and also talking on the telephone.

24 She looked up and saw me, and told me to

25 come downstairs.

1 So I went downstairs, she handed me the
2 phone, and said, "Here, this is Arthur, talk to him."
3 Q Her father?
4 A Yes.
5 Q Okay. What did Arthur say?
6 A I answered the phone, and Arthur said,
7 "Gabe," just listen to Tonja, don't say anymore, she will
8 explain everything later."
9 I said, "Yes, okay, fine."
10 He said, "Don't say anything to anybody
11 about anything, okay?"
12 I said, "Fine." And that is what I did.
13 Q Then you gave the phone back to her?
14 A No, I hung up.
15 Q All right. What happened then?
16 A Tonja told the people that we are going
17 out to dinner, and that we will be back in an hour or
18 two, and I said, "Fine."
19 The young man said, "Is so-and-so going
20 with you?"
21 Tonja said, "No," and from what I can
22 understand, then he tried to have this other lady that
23 was there go with us, and we both said, "No."
24 Q Then what happened?
25 A I went upstairs and waited for awhile,

1 and then she went with the young man and young lady, and
2 I went upstairs, sat back down, and waited for a few
3 minutes.
4 Q The young man you are referring to, is
5 the one back by the phone?
6 A Yes. She didn't introduce me to him, I
7 don't know who they were.
8 Q Where did they go?
9 A That, I don't even know.
10 Q Did they go in the elevator --
11 A Let's see, yes, Tonja went upstairs with
12 one of them, and up the elevator, and I sat down and
13 waited.
14 She came back downstairs and told me to
15 go wait in the car, that she would be out in a few minutes.
16 Q About how long was she gone at that point?
17 A Maybe five minutes.
18 Q All right. So then you went to the car?
19 A Yes.
20 Q And did anyone come to where you were or
21 follow you or anything?
22 A No. Tonja came out the door about five,
23 maybe ten minutes later, came over, got in the car, and
24 we went to dinner.
25 Q Where did you go?

A We went to a little steak house right there off of the main street, where the church is -- there is a corner there, there is a main road where there is a corner, and we turned heading east, went down quite a ways.

I saw like a steak house, and we pulled in, went inside and had dinner.

Q You went east on what appears to be kind of a main street in Clearwater?

A Yes.

Q Did you select the place to eat, or did she?

A Neither one.

We started going down the road, driving along, and I said, "Why don't we stop and have dinner?"

So I pulled in there, and neither one of us decided on what we were going to have.

Q And what did she tell you in route about going to dinner or leaving or anything?

A The only thing she told me was the fact that she was really anxious to get home, and that she wanted to get out of that school, and that was it.

I didn't really pursue the fact or anything, why or whatever, I thought that is her business.

Whatever she did is her business, and I

1 didn't follow up on any of the questioning.

2 Q Did you ask her anything about Tim or

3 the other people trying to [illegible] dinner with you all?

4 A No.

5 Q When you got in the restaurant, what did

6 you all talk about?

7 A We talked about ten years ago when she

8 was a little girl, and I was going to college.

9 We talked about how [illegible] was, how [illegible]

10 Art and Cathy were [illegible] mainly, it was a family

11 discussion, and how everything is.

12 How she was coming along, and what [illegible]

13 has been doing. She was telling me that she has been [illegible]

14 a boat cruise and she has been all around the ocean, [illegible]

15 about.

16 Q Did she discuss scientology?

17 A No.

18 Q Now, going back to the phone conversation

19 with Arthur, where he said, "Just don't say anything to

20 anybody, do what Tonja says."

21 Did she give you any information about

22 what you were to do or say?

23 A No, she just told me, "Don't worry about

24 it," that she will handle everything, and I said, "That

25 is fine."

Q By, "Don't worry about it," what did she mean --

A About whatever was going on at the church, or whatever had happened, don't worry about it --

Q Did she appear to be agitated or upset?

A Nervous, yes.

Q Throughout the conversation, or when she was talking about --

A [illegible], at the school, before we left.

Q She was nervous at the school when you got in the car, and at dinner, she was not?

A She sat down, took a big deep breath, lit up a cigarette and --

Q Then you all --

A -- I lit up a cigarette. we sat down, she sat back, took a deep breath of fresh air, and that was it, that is all she said.

Q Did you ask her how Tim would have come to think that you played football for the Miami Dolphins?

A No, I forgot all about it, I didn't -- I wasn't interested myself.

Q Did you ever ask her that?

A Not that I can remember.

Q Where had you played professional baseball?

A I only played a little minor ball, that was in Arizona with the Giants' team out of Tampa, which didn't last long, either.

I hurt my left ankle, tore out the ligaments and tendons, and they gave me a waiver, and sent me on the road, and I was laid up in a cast for almost six months.

When I tried to get back into it, whoever looked at my doctors' records about my ankle, said, "Forget it."

Q How long were you all at dinner?

A Roughly about an hour and a half.

Q Did she appear to be in any rush to get back to the church?

A No.

Q Who suggested that you all return to the church?

A Neither one of us.

Well, we left the steak house, got the car started to drive, and I said, "What do you want to do now?"

She said that she would like to go and pick up her stuff, and I said, "Fine, we will pick up your stuff."

We drove back to the Church of Scientology

1 and when we went down across the front of it, where there
2 is an opening, there is a driveway, and she said, "Make
3 a right here."
4 I pulled in the driveway, went up the
5 circular drive, and she said, "All these boxes here are
6 mine. You load them up, I will be out in five minutes.
7 There is something I have to get."
8 She went inside, and I loaded them up,
9 and sat there and waited.
10 She came out, got in the car, and we left.
11 Q Did she appear to be excited or nervous
12 at that point?
13 A Yes, at that point, she seemed a little --
14 her adrenalin was starting to flow.
15 Q About what time would this have been that
16 you all got back to the church and drove up into the
17 garage?
18 A Roughly about 7:30, it was still light
19 out.
20 Q And you said boxes -- was it luggage or
21 boxes?
22 A There were a couple of suitcases, a couple
23 of boxes, and she had a couple of boxes all taped up,
24 blankets, things like that.
25 Q Blankets and things like that?

A Yes, for sleeping, bedding.

Q Then she got in the car and you all left?

A Yes.

Q Where did you go at that point?

A At that point, we went back where I was staying at the motel room, we went in, sat there and talked for a little while.

I said, "Well, it is still early, maybe we can get to my place by 2:00 o'clock in the morning."

At that point she said, "Fine, let's go," so I grabbed my suitcase, I had put it in the car, and we drove back to Coral Springs.

Q When you drove up the ramp to where her luggage and boxes were --

A Yes.

Q -- was there anybody up in that area, did you see anyone?

A I saw no one in that area.

Q She went inside the building?

A Yes.

Q And then she came out by herself?

A Yes.

Q Did she say what she was going inside for, or what she did while she was inside?

A No, all that I noticed was that she went

in, grabbed a sweater and a guitar.

I think it was a guitar or she grabbed a sweater and left the guitar -- that is right, she told me that she had to leave her guitar there.

Q Did she explain why she had to leave her guitar there?

A No, she did not.

Q You all then drove to Fort Lauderdale?

A To Coral Springs.

Q Coral Springs?

A Yes, which is northeast of Fort Lauderdale by about 15, maybe 20 minutes.

Q To the east or west --

A Northwest, I should say.

MR. LOGAN: Northeast would be a little wet.

THE WITNESS: That is the ocean. Northwest from here, it's northwest.

BY MR. LAWSON:

Q Maybe west of Deerfield, something along there?

A Yes, Coral Springs is just northwest of Margate.

Q Did anyone call her after you all got to where you were going, Coral Springs?

A No, she made only one phone call and that was to her Dad in Vegas.

Q How long did she stay with you all?

A Two, three days.

Q And then she went to Las Vegas?

A No, I took her to the airport. Whether she went to Vegas from there, I don't know.

All I know is that I took her to the airport, and she got on a plane and left.

Q Did she receive any ticket from her father or --

A She picked it up at the airport, just a ticket, no money.

Q It appeared then that he had purchased a ticket there in Las Vegas, and arrangements had been made for her to pick it up --

A As far as I could tell, arrangements had been made.

Q When did you next hear from her?

A I didn't hear anything from her.

I heard from Arthur, he gave me a phone call and asked me how much it cost me to go up there, and get her, and that he would reimburse me.

Q Did he?

A Yes.

Q When you were driving down to Coral Springs from Clearwater, did you all discuss scientology?

A Not really.

We just drove and listened to some music, reminisced about back when, and that was about it.

I fell -- she fell asleep about an hour, and then I let her drive for a little while, and then I fell asleep.

When I woke up, she was lost, so I had to take over and drive the rest of the way, she made a wrong turn.

Q Did she appear to be nervous when she came out of the hotel to get in the car, into the garage with the sweater?

A No, in fact, she seemed more relieved than anything else.

Q And she was relaxed and relieved on the trip back?

A Yes.

Q And then while you all were in Coral Springs, did you or your wife or anyone discuss scientology with her?

A No, I didn't.

I wasn't really interested in it, because if it was related to the church, I am not a worshiper, and

1 if she wanted to tell me something, she would have told
2 me.
3 I would not sit there and pry into her
4 life, or anything like that.
5 Q So she really assigned no reason for her
6 desire to leave the church?
7 A Well, let me put it this way, she didn't
8 tell me anything, and neither did my brother, Arthur,
9 until after I was approached by another attorney or
10 somebody from the law firm for the Church of Scientology.
11 Q When was that, that you were approached?
12 A It would be about four months ago.
13 Q Who was that that approached you?
14 A I don't remember the gentleman's name.
15 but all I know is that he handed me a card, and I don't
16 think I still have that.
17 If I do, it is in my filing cabinet back
18 at home.
19 Q After you were approached by that
20 gentleman, what if anything did she say about her desire
21 to leave scientology?
22 A She didn't say anything.
23 I had to get a hold of her, and I called
24 her long distance, and I asked, "What the heck is going
25 on?"

She told me that she was suing the Church of Scientology for millions of dollars or thousands of dollars, or whatever she said.

I said, "Why?" and she said because at that time, she didn't learn anything, and she was telling me that she was this and that, and a lot of other things that happened to her.

I said, "Well, that is fine, but how did I get in the middle of the whole situation?"

Q So the first you learned that she filed suit against the church was when the investigator came to see you?

A Yes.

Q Now, one of the things she said as to her reason for suing was that she didn't learn anything?

A She didn't learn anything, and the church turned her into a 17-year-old dummy --

Q What else did she say the church had done to her?

A Well, she told me also that they had made her a prostitute, and that they had imprisoned her while she was with them.

Q This was by telephone?

A Yes.

Q Tell me what she said about them making

her a prostitute?

A That is all, she said that they made her a prostitute, and at the age of 15, I think, that they had imprisoned her, and would not let her leave, and that the church had more or less not educated her.

Q Now, tell me what she said about the prostitution, other than making that assertion, she did not elaborate on it?

A Right. She put the bare facts out, and that was it.

It was this, this and this, and I didn't follow up on any of what she said.

Q What did she say about the imprisonment?

A Just that they had kept her from leaving, kept her from doing what she wanted to do, and couldn't go and come unless she was like some of the rest of the students.

Q Did you ask her -- excuse me, that she could not go and come like some of the other students could?

A Yes. The way she related it to me was that she could not leave without an accompanyist.

Q Without somebody being with her?

A Yes.

Q Did you ask her anything about her ability

1 to leave with you on the evening you were in Clearwater?

2 A No.

3 Q Did she indicate whether or not she was

4 imprisoned, in that sense, at the time that you were in

5 Clearwater?

6 A I don't understand the question.

7 Q Did she indicate that this alleged

8 imprisonment was going on while you were in Clearwater?

9 A I still don't understand the question.

10 Q Did she mean that the imprisonment was

11 continuous or that it occurred --

12 A Excuse me, she didn't say anything about

13 that to me.

14 Q No elaboration?

15 A No.

16 Q So she did not indicate then whether or

17 not this, "imprisonment," was a condition that she was in

18 when you were in Clearwater that Saturday?

19 A No.

20 Q In addition to her claim that they did

21 not educate her, made her a prostitute, and they imprisoned

22 her, what else did she say that they did to her?

23 A That was about it.

24 The main thing was that she was uneducated.

25 did not educate her; math, English, regular-like schooling.

1 Q That was the thing she put the most
2 emphasis on?
3 A Yes. The most emphasis was the way she
4 put it, "Here I am a 17-year-old, I can't get a job
5 because I have no education", she couldn't read or write --
6 Q How long did the telephone conversation
7 about the suit go on?
8 A Fifteen minutes.
9 It was a long-distance phone call, I
10 couldn't afford it, and I made it short.
11 Q When did you talk to her next after that
12 A I haven't talked to her since.
13 Q When did you next talk to her father?
14 A I haven't talked to him since.
15 All I have been talking to are lawyers
16 and attorneys.
17 Q Did her father ever give you any reason
18 as to why she wished to leave the church?
19 A No.
20 Q So the only explanation you really got
21 from her was when she told you about the suit?
22 A Yes, why I was right in the middle of it.
23 I didn't know anything, and had nothing
24 to do with it, that is as far as I could tell.
25 Q And you didn't inquire before when you

1 were over in Clearwater, and when she was in Coral Springs,
2 because you considered that was her business, and you
3 weren't interested in religion, one way or the other?
4 A Yes, that is the way I am.
5 Since I was a little kid, I have had
6 religion driven down my throat to the point that if
7 anybody brings up religion, or if I am at the beach and
8 some churchgoer comes by and starts talking religion,
9 I will pick him up and throw him across the beach.
10 Q That is because of what, now?
11 A Because I have been driven into church
12 so much, you can get something pushed at you so much,
13 that when you get old enough, you don't want to have
14 nothing to do with it.
15 Q Who was that that did that pushing, your
16 family?
17 A More or less.
18 Q Would Arthur have been subjected to that
19 also, would he have been subjected to the same thing by
20 your parents?
21 A No.
22 Q He was not?
23 A No. The reason I was is because I was
24 the youngest one in the family, and I was still living with
25 my mother, and my mother is really a Seventh-Day Adventist.

1 a churchgoer, the whole while, everything, and it got
2 to the point when I had to sit there and listen to her
3 read the bible.
4 That happened when Arthur had gotten
5 married, and he was in the service at the time when she
6 really started becoming a Seventh-Day Adventist.
7 Q What religion did your mother practice
8 when Arthur would have been growing up?
9 A The same thing, Seventh-Day Adventist
10 Q She was not fervent about it?
11 A No, she wasn't really, because at that
12 time, she was more or less concerned about taking care
13 of the family, and also at that time, Arthur was more or
14 less -- she was having problems with my father, and I
15 wasn't even born yet.
16 Q What is the age differential between you
17 and Arthur?
18 A Let's see, I am 30, and he has got to be
19 about 45, almost 15 years -- I think there is 12 or 13
20 years between us.
21 I know my sister and I -- she was 17,
22 Nancy was 17 years older, then Stanley is 16 years older,
23 and comes Arthur, who is 14 years older, and Paul, who is
24 13 years older, and my brother Dusty, was a year older,
25 and myself.

1 Q Did Tonja ever tell you anything about
2 being threatened physically by the church if she
3 endeavored to leave?
4 A Nothing that I can remember.
5 She didn't tell me anything about that.
6 Q Did she have any bruises or anything on
7 her when you were there in Clearwater?
8 A She had her clothes on, I couldn't tell
9 you.
10 Q Well, the face --
11 A No, nothing that I could see.
12 Q She said nothing about anything like that?
13 A No.
14 MR. LAWSON: If you would give me a few
15 minutes, here.
16 MR. ORCUTT: Let's go in the other room.
17 (Whereupon, a short recess was taken.)
18 MR. LAWSON: Back on the record.
19 BY MR. LAWSON:
20 Q When you went to the church there in
21 Clearwater on that Saturday, how was Tonja dressed, in
22 a dress, did you notice?
23 A No, she had a pair of Levis on, and when
24 she came downstairs, she was wearing a pair of shorts.
25 She went upstairs with her -- no, I take

that back, she was wearing a pair of Levis and a shi.

When she came downstairs, and when w left, she did not change her clothes.

Q Were they neat or dirty?

A Just average.

Q Did she look thin or pale or distraught?

A She always had been slender, all of her life, a little pale.

She had been that way - - she is that type o a young lady that has fair skin and blond hair, fair sk.

Q What did she tell you about the ship that was on, her activities on it?

A None, not much. I didn't inquire abou it.

Q Did she indicate whether it was pleasa or unpleasant or a unremarkable situation?

A. She just told me about a few places that sh went to, and that is all she told me, and I didn't follo up on it.

I am not an attorney, and I don't questi anybody.

If they want to talk, fine, and if you don't, that is fine.

Q Do you know whether or not Tonja has ever had a drug problem?

A No, not that I know of.

Q Have you ever heard that she had one?

A No.

Q No?

A No.

Q What about her father?

MR. LOWAN: Whether he had a drug problem

MR. LAWSON: Yes.

THE WITNESS: Whether he had a problem with drugs?

MR. LAWSON: Yes.

THE WITNESS: That, I don't know.

He never had, as long as I was around him, he never had gotten into it.

BY MR. LAWSON:

Q Have you heard from hearsay whether he may or may not have had a problem?

A Not that I know of.

Q And just as you didn't talk about scientology with her, I gather you also did not talk about scientology with him?

A No.

Q Do you know what Tonja's relationship has been with her father over the period of years, close, distant?

1 A That, I don't know.

2 If you are talking about Danny, that

3 would be something different.

4 Q Who is Danny?

5 A The brother.

6 Q Her brother?

7 A Yes.

8 Q And what would be the answer on that?

9 A Well, from what I understand, Danny is

10 just -- he more or less since he was about 15 years old

11 has gone on his own, and has done what he wanted to do.

12 He is supposed to come down here to

13 South Florida and live with me, and I had a job waiting

14 for him and a place to stay and everything, but he never

15 showed up.

16 Q I want to go back for a moment to your

17 coming back from the restaurant, driving up in the garage

18 and up the ramps, were there any guards or anything at

19 the gates or at the door?

20 A No, not that I know of.

21 Q And you indicated that there was no one

22 up there where her luggage and her boxes were.

23 Did you all pass anybody on the ramp going

24 up or down, that you recall?

25 A Going down, we passed a young lady, and

1 a guy, that was all.

2 Q Were they just walking --

3 A They were just going up the ramp.

4 Q They didn't say anything or look at you

5 all or anything like that?

6 A No.

7 Q Do you know the current address and

8 employment of Tonja?

9 A No, I don't even know how to get a hold

10 of her.

11 Q How did you know how to get a hold of

12 her after the investigator got in touch with you?

13 A I called my mother, my mother called

14 my sister, my sister called my niece, and my niece called

15 me.

16 Q Collect, I gather?

17 A No.

18 Q And do you know where her father is,

19 where Arthur is?

20 A In Las Vegas, some place, as far as I

21 know.

22 Q Do you know what his employment is?

23 A No. All I know is that at the time,

24 when I talked to him, he was self-employed with another

25 man.

They had gone into acting school or something, they opened up an acting school at that time, along with a construction business, too.

Q Do you know of any problems that Tonja has had with law enforcement, arrests, anything like that?

A No.

Q What about her father?

A No. As far as I know, all I know about Arthur is that he never speeds, never drives fast, and he was always very careful.

He kicked my rear end once for getting a ticket, especially in his vehicle.

MR. LAWSON: That is all the questions I have.

MR. GOLDFARB: I have a few.

CROSS-EXAMINATION

BY MR. GOLDFARB:

Q During the three days that Tonja spent with you and your family in Coral Springs, did she appear to be a normal 17-year-old girl from what you could observe?

A Well, during that time, I was working two jobs, and I saw her maybe out of a day, maybe saw her about an hour, hour and a half, and during that time, my wife and her, they fixed dinner, did the dishes and

1 all that, and that was about it.

2 My wife talked to her more than I did

3 during that period of time, because my wife was home.

4 We just had our first baby, and she was

5 staying home.

6 Q Was Tonja able to help out your wife

7 in whatever she needed to be done around the home while

8 she was there the three days?

9 A Just housework.

10 Q Did she appear, from what you could

11 observe, did she appear to be a perfectly normal 17-year-

12 old girl for the brief period of time you spent with her

13 those three days?

14 A I guess, yes, as far as I could tell.

15 She seemed a little slow when she came

16 with her answers, but other than that, that is about all.

17 Q Were you able to converse with her and

18 communicate with her without any difficulty, weren't you?

19 A Yes. She didn't use large words at me,

20 just basic talk.

21 Q And you probably didn't use large words

22 at her?

23 A No, that is why I wear this.

24 Q Did she physically appear to be in good

25 condition from what you could observe?

1 A Yes. Physically, she was all right.

2 Q Did you see her at any time during those

3 three days after a shower, when she might have been

4 partially undressed, to see whether or not she was in

5 any way bruised or did you see any marks on her body?

6 A She had one bruise right here on her leg.

7 it wasn't very big, it was a small one as far as I could

8 remember.

9 That was the only one I saw that only

10 time, when she had a pair of shorts on.

11 Q Did you ask her how she got that bruise?

12 A No, I did not.

13 Q When you left the building in Clearwater

14 when you went up this ramp, were the bags and luggage

15 already outside --

16 A Yes.

17 Q -- of the front door, or --

18 A They were outside, next to the elevator.

19 Q It was similar to checking out of a hotel,

20 the bags were lined up outside, you put the bags in the

21 car, and Tonja walked into the car and you got into the

22 driver's seat and took off?

23 A Yes, the only thing that made it

24 peculiar was the fact that she said, "Hurry up as fast

25 as you can, if anybody comes by, just tell them you are

1 picking up some stuff for somebody."

2 Q No one physically tried to prevent you

3 from taking Tonia in the car on that night, did they?

4 A Not physically, no.

5 I wish them luck if they did.

6 Q Have you talked with Mr. Flynn at all

7 about this situation with Tonia, and this lawsuit?

8 A Briefly. The only thing that Mr. Flynn

9 had asked me is when I was supposed to give my deposition,

10 and if I was going to give a deposition, or if I had

11 given one to anybody prior to receiving my notice, and

12 I just explained to him that I knew nothing, and all I

13 know is that I went up there, picked her up, brought her

14 back, and that was about all.

15 I got a letter from Mr. Logan, with a

16 copy of the papers that were going to be served to me,

17 and that was it.

18 Q The conversation, the phone conversation

19 that you had with her, this came about after you had been

20 approached by somebody from the Church of Scientology?

21 A Yes. The gentleman told me that he was

22 an attorney for the Church of Scientology, and would like

23 to get a statement from me.

24 At that time, I told the gentleman that

25 I would give no statements until I find out what is going

on, until I check with my attorney and find out if I should give a statement, or wait until I get approached, or by a Court Order, if I get a summons to give a deposition.

Q And after you went through the family to finally reach Tonja by phone, following this gentleman's visit with you, the first thing she told you, as I noted down on your direct examination, was that she said she is suing the church for millions of dollars, is that correct?

A Yes, but she didn't name a price.

Q She said millions of dollars?

A She filed suit against the church, and that her attorney will be in touch with me, if they need me for anything.

Q And the main complaint from that conversation was that she was somewhat unhappy with the degree of education she received?

A Yes. The main thing from that conversation was that I chewed her out for not letting me know what was going on before somebody comes and bangs on my door, and wants to start asking me all kinds of questions about something I knew nothing about.

Q What did she say when you chewed her out?

A That she was very sorry, but she was

1 going to notify me in the next few days to let me know,
2 and I said, "That was a little late."
3 Q Did you ask her, "What are you doing with
4 yourself at this time?"
5 A I asked her if she had a job, and she
6 said, "No."
7 I asked her if everything was working out
8 okay for her --
9 Q What did she say?
10 A She said that everything was fine, and
11 that it was going to be better after this big court thing
12 was over with, but other than that, that is all she said.
13 Q What did you understand her to mean when
14 she said that?
15 A That there was nothing drastically wrong,
16 I guess.
17 Q Everything was fine, but she gave you
18 the impression that after this lawsuit was over, things
19 would be better?
20 A Yes.
21 Q Earlier you said something about the
22 whole family, her whole family getting on the boat.
23 A Yes.
24 Q Is that what you understood it to be?
25 A Yes.

1 Q That is when you were about 20?

2 A Arthur, Cathy, Danny and Tonja, the four

3 of them were going to take a trip with the Church of

4 Scientology.

5 Q Did you ask her at all about the place

6 that she had been to on this boat, or anything about the

7 boat trip?

8 A Let me see.

9 The only thing I can remember was one

10 place she had told me she went, that it was very, very

11 pretty, and if I have a chance, to go there.

12 I can't remember the name of the place --

13 Q Did you come away with the impression

14 that she had enjoyed her time on this boat?

15 A I came away with no impression at all,

16 really.

17 Q I might have misunderstood you, but

18 which family member was it that you said wrote you --

19 did Tonja write you all during the time that you had --

20 A No one wrote me a letter at all, except

21 my mother.

22 MR. GOLDFARB: That is all the questions

23 I have.

24 MR. OPCUTT: Just a couple of questions

25 for the church of Florida --

MR. LOGAN: I continue to object on the panel-type discovery.

MR. LAWSON: One second, please.

We are finished.

MR. CRCUTT: No questions.

MR. LOGAN: No questions.

You have the right, if this is typed up, which it probably will be, to read and sign the deposition.

You can't change any answer, you read it for proofreading purposes.

Essentially, you can waive that right, that is your choice.

THE WITNESS: Go back to the last part.

MR. LOGAN: Whether or not you want to come down here and read the deposition if it's transcribed, essentially to proofread it, or you can waive --

THE WITNESS: Essentially, I have just -- I told the truth, you know, I guess I will waive it, I guess.

(Whereupon, the deposition was concluded.)

---

1 STIPULATION

2 It is hereby stipulated by and between

3 appearing counsel and the witness that the reading and

4 signing and notice of filing of the foregoing deposition

5 be, and the same are, hereby waived.

6 AND FURTHER DEPONENT SAITH NOT.

7 ----------

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE

2 STATE OF FLORIDA)
) SS.
3 COUNTY OF BROWARD)

4 I, ERIC A. BUAY, a Registered Professional
5 Reporter and a Notary Public in and for the State of
6 Florida at Large:

7 DO HEREBY CERTIFY that the foregoing
8 deposition was taken before me at the time and place
9 therein designated; that the deponent was by me duly sworn
10 that my shorthand notes were thereafter reduced to
11 typewriting under my supervision; and the foregoing pages
12 1 through 50, are a true and correct record of the
13 testimony given by the witness.

14 I FURTHER CERTIFY that I am not a relative
15 or employee of any of the parties, nor relative or employee
16 of such attorney or counsel, or financially interested
17 in the foregoing action.

18 WITNESS MY HAND AND SEAL this 7 day of
19 1981, in the City of Fort Lauderdale, County of Broward
20 State of Florida.

21

22 Eric Buay
Registered Professional Reporter
23 and
Notary Public, State of Florida at Large
24 My commission expires: 9/8/81.

25